

**Minutes of the Waukesha County Criminal Justice Collaborating Council  
Pretrial Subcommittee  
Tuesday, February 10, 2009**

The meeting was called to order at 11.41 a.m.

**Subcommittee Members Present:** Chair JoAnn Eiring, Martin Binn, Diane Kelsner, Mike Giese, Sam Benedict, and Brad Schimel

**Also Present:** Judge Kathryn Foster, Rebecca Luczaj, Sara Carpenter, and Karen Phillips.

**Approve Minutes of December 3, 2008 Meeting**

MOTION: Binn moved, second by Giese, to approve the minutes of December 3, 2009. Motion carried by unanimous consent.

**Transport Service to/from Waukesha & Milwaukee to Reduce FTA Rate of OAR Defendants**

Judge Foster stated that a portion of the recent judicial conference she attended was devoted to OAR issues, including the impact on the criminal justice system. Judge Foster discussed her proposal of providing a transport service for OAR defendants, especially focusing on the large number residing in Milwaukee County. The public transportation system between Milwaukee and Waukesha Counties is very arduous. She requested that the Committee look at data of the jail population of OAR defendants, especially those picked up on warrants, and do a zip code check to find out where the majority of them are coming from. Foster proposed to contract with a transport service to make transportation available to defendants for an affordable fee. She suggested this transportation would be offered on certain days of the week, at perhaps five or six pick-up points, to coincide with the court calendars. Schimel asked if the criminal traffic judges would be open to scheduling on certain days to accommodate this plan. Foster stated most criminal judges have multiple time slots, and it would be workable. Foster said that in order to justify this proposal, the statistics must be looked at to determine if it would be cost efficient to contract with the transport service.

Eiring stated that for 2008, 300 out of 2164 new OAR cases were reported to WCS. Of those, 74 were Waukesha County residents, and 226 resided out of the County. The total number of FTA's was 992. Benedict stated that it is typical that about half of the people don't come back after their initial appearance, and that pattern continues for subsequent appearances; they continually don't show up. Discussion continued regarding the reasons for the FTA's, and whether the transportation issue was a major factor.

Foster asked the committee to gather data to look at the possibility of providing the transport service; Benedict supported idea. Kelsner stated she can access the information, but it would require much work. Giese stated that perhaps Ryan could use a crystal report to gather the data. Luczaj stated she will look into various existing transport services by the next meeting and report on the projected costs. She added that the data would have to support the establishment of a new route.

**WCS Pre-Trial Programs 2008 Year-End Report**

Eiring reviewed the 2008 year-end statistics for the WCS Pretrial Programs. Kelsner requested that a handout of the reports be made available for future meetings. Carpenter and Eiring stated that the reports could be emailed. Luczaj stated she has everyone's email address and offered to include the WCS reports when sending the committee meeting agenda packets.

**Review/Status of OAR Policy**

Schimel distributed a handout of the OAR policy which his office has implemented. He reviewed the highlights of the policy as outlined. Luczaj asked how the new policy has been working. Binn stated it appears to be working very well, and the outcomes have been positive. A significant number of jail days

Pretrial Subcommittee  
February 10, 2009

are being saved. Benedict agreed that progress is being made in resolving the in-custody OARS. The interns are catching on, although there seems to be some confusion and/or resistance from the ADA's about the non-OWI aggravated offenses and OAR reinstatements. Schimel stated he would speak to the staff for clarification of the policy in those areas. Kelsner stated the court clerks were given copies to have available in the courtrooms. Schimel gave his consent to allow copies to be handed out upon request.

### **CJCC Committee, Subcommittee, Workgroup Update**

Luczaj asked the Committee members for input on the need for the presentation of this update on a regular basis. Since many of the members serve on multiple CJCC committees and subcommittees and this information is repeated often, it was agreed that Luczaj would send the update by email and only highlight pertinent new information at the meetings. She then proceeded to review the highlights of the Alcohol Workgroup and the Data Warehouse Study Group as outlined on the handout.

### **Set Future Meeting Date**

Future meetings will be held on the second Tuesday of each month at 11:30 a.m. The next meeting will be on March 10, 2009, at 11:30 a.m.

In the absence of objections, the meeting adjourned at 12:39 p.m.